

From: SRothstein@olsonhierl.com
Sent: Friday, January 16, 2004 12:09 PM
To: eReference
Subject: Comments re Official Gazette Notice of December 23, 2003

Attention: Commissioner of Patents Nicholas P. Godici

Dear Sir,

This is in response to your invitation for comments regarding the Office Plan to Cease Supplying Copies of Cited US References. As a long time patent practitioner, I am opposed to the proposal for several reasons. First, it adds a cost burden to applicants for patent and would be a hardship, particularly to individual inventors. Given the existing diversion of PTO fees for general purposes, there is no valid reason for imposing this further burden upon applicants for patent. Second, there is lost time in ordering and obtaining patent copies and then reporting the actions to the client. This is a notable concern where the clients are foreign applicants. On occasion the PTO system has been unreliable. Errors are very difficult to correct. Third, the Examiner might be more prone to cite a larger number of references than needed if the burden is upon the applicant to obtain the references. There is something psychologically imposing if the Examiner looks at a large stack of references being sent with an office action, in addition to the one or two pertinent references. Current Examiners tend to cite more cumulative references than past Examiners, including me.

Since the PTO is a service organization, it should provide top-notch service by providing copies of all cited references with each office action.

Very truly yours,

Seymour Rothstein

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